

AFFIDAVIT OF KENNETH WALKER

Comes now Kenneth Walker and, having been duly sworn, testifies as follows.

1. My name is Kenneth Walker. The following statements are based upon my own personal knowledge.

2. I am employed as the Chief of the Eufaula Police Department.

3. I have reviewed the allegations made by Aaron Grubbs in his deposition.

4. Aaron Grubbs filed his application for employment with the Eufaula Police Department on October 13, 2004.

5. The Eufaula Police Department hired three officers during the application period in which Mr. Grubbs applied. They were James Isler, Hunter White, and Gail Hudson. James Isler and Gail Hudson were already certified as police officers. Hunter White was not.

6. James Isler was hired November 1, 2004. He is a white male. His criminal record check revealed no arrests. A copy of his criminal record check is attached to this Affidavit as Exhibit A.

7. Hunter White was hired November 29, 2004. He is a white male. His criminal record check revealed no arrests. A copy of his criminal record check is attached to this Affidavit as Exhibit B.

8. Gail Hudson was rehired January 18, 2005. She is a white female. Her criminal record check revealed no arrests. A copy of her criminal record check is attached to this Affidavit as Exhibit C.

9. I make the decisions about who will be hired at the Eufaula Police Department, subject to final approval by the Mayor. I was the final decision maker about eliminating Aaron Grubbs from the application process. (The Mayor only becomes involved once I make a hiring recommendation.)

10. Aaron Grubbs' race was not a factor in my decision not to hire him.

11. I decided not to hire Aaron Grubbs as a police officer because of his extensive arrest history for negotiating worthless negotiable instruments.

12. I believed that Aaron Grubbs' extensive arrest history would impair his credibility and effectiveness when interacting with local merchants and other citizens as a police officer.

13. Aaron Grubbs' arrest history also raises serious questions about his personal integrity and trustworthiness. It is unlikely that a person could accidentally write so many bad checks. Rather, the number of bad checks indicated to me that Aaron Grubbs had intentionally defrauded numerous businesses in order to obtain their merchandise.

14. I have not hired anyone as a police officer who was even remotely similarly situated to Aaron Grubbs.

15. To my knowledge, Captain Tim Marsh, Sergeant Nadine Brown, Officer Terry Henderson, and Officer Keith Bungay have never been arrested, charged with a crime, or convicted of a crime.

16. Officer Dexter Hammond no longer works for the Eufaula Police Department. When I originally hired Officer Hammond in 1994, I heard a rumor about a prior juvenile arrest and asked Captain Bob Bradshaw to investigate it. Captain Bradshaw reported back that he could not find any records to substantiate the allegation. Captain Bradshaw is now deceased.

17. To be clear, when I hired Dexter Hammond, I was not aware that he had ever been arrested, charged with a crime, or convicted of a crime as an adult. To this day, I still do not know that to be true.

18. The rumor that I heard about Officer Hammond was an allegation of a single arrest as a juvenile. It did not involve a series of arrests as an adult, as is the case with Mr. Grubbs.

19. Further, it is my understanding that, under state law, juvenile convictions cannot be considered to disqualify an applicant from civil service.

20. The Eufaula Police Department currently has fifty-two full-time employees. Thirty-four (65%) are White, and eighteen (35%) are African-American.

21. The City of Eufaula is an Equal Opportunity Employer. It has a policy against racial discrimination in employment. A copy of that policy is attached to this Affidavit as Exhibit D.

Dated: March 6th, 2006.

Kenneth Walker
Kenneth Walker

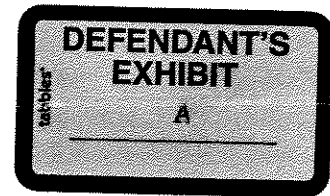
STATE OF ALABAMA)
)
COUNTY OF BARBOUR)

Before me, the undersigned Notary Public in and for said state and county, personally appeared Kenneth Walker, who is known to me. Having been duly sworn, Kenneth Walker testified that the foregoing statements are true and correct to the best of his personal knowledge.

This the 6th day of March, 2006.

[SEAL]

Wanda P. Wadham
Notary Public
My Commission Expires 04-24-08



1WA.10:23 10/14/2004 AL0060101
ATTENTION: CHIEF WALKER. OPR/HAYWARD
***** NOTICE AND WARNING *****
* FOR OFFICIAL CRIMINAL JUSTICE AGENCY USE ONLY *

NO HITS ACJIS CCH FOR ISLER JAMES P M W 121877
SEQ # 0038 MRI # 211846

1WA.10/14/2004 10:23
AL0060101

NO ACJIS PERSON WANTS NAM/ISLER, JAMES P DOB/12181977 SEX/M RAC/W
NO ACJIS PERSON WANTS SOC/419193582
SEQ # 0039 MRI # 211847

1WA.10:25 10/14/2004 211848

AL0060101

NO NCIC WANT SOC/419193582
NO NCIC WANT NAM/ISLER, JAMES P DOB/19771218 RAC/W SEX/M
SEQ # 0040 MRI # 211848

1WA.10/14/2004 10:23 AL0060101

ATTENTION: CHIEF WALKER. OPR/HAYWARD
***** NOTICE AND WARNING *****
* FOR OFFICIAL CRIMINAL JUSTICE AGENCY USE ONLY *

NO ACJIS CCH RECORD BY THIS SOC/419193582
SEQ # 0041 MRI # 211849

1WA.10:25 10/14/2004 211850

AL0060101
NO IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX
(CIT) FOR NAM-ISLER, JAMES P. SEX/M. RAC/W. DOB/19771218 SOC/419193582.

11-40-04

SEQ # 0042 MRI # 211850

1WA.KQ.AL0060101.AL.OLN/6101968.PUR/C.ATN/CHIEF WALKER.OPR/HAYWARD

1WA.10/14/04 10:28

KR.AL0LN0000.AL0060101.

TXT

ISLER, JAMES PAUL

240 BROAD STREET

HEADLAND

AL 36345

RAC/W. SEX/M. DOB/12181977. HGT/507. WGT/175. HAI/BRO. EYE/GRN.

OLN/6101968. OLT/OPERATOR. EXP/03112005

RSTR/ CORRECTIVE LENSES

NON-COMMERCIAL STATUS/CURRENT. CLASS/D

COMMERCIAL STATUS/UNLICENSED

CITATIONS/ACCIDENTS: (SEE BELOW)

SEQ # 0043 MRI # 212605

1WA.10/14/04 10:28

KR.AL0LN0000.AL0060101.

TXT

***** 3 YEAR DRIVER RECORD: ISLER, JAMES PAUL OLN/6101968

FROM: ALABAMA DEPARTMENT OF PUBLIC SAFETY,
DRIVER LICENSE DIVISION

CONV DT

OFFENSE/ACCIDENT

COURT

06/06/2003 ACC# = 3040587 COUNTY OF HENRY CITY OF RURAL

*** THE USE OF THIS DRIVER RECORD IS REGULATED BY LAW AND ***

*** RESTRICTED TO CRIMINAL JUSTICE AGENCIES ONLY. ***

*** ACCIDENT DATA IN NO WAY IMPLIES FAULT OR LIABILITY. ***

SEQ # 0044 MRI # 212606

1WA.10:47 04/26/2004 AL0060101
ATTENTION: CHIEF WALKER. OPR/PCO COLLINS

***** NOTICE AND WARNING *****
* FOR OFFICIAL CRIMINAL JUSTICE AGENCY USE ONLY *

ACJIS CRIMINAL HISTORY

NAME	RAC	SEX	DOB	SID
WATT WILL R	W	M	02/17/1978	AL01427959
WOOD WILE D	W	M	02/22/1978	AL01573029
WEED WILL J	W	M	04/26/1979	AL01455714
WHITE WILL R	W	M	12/07/1980	AL01548947
WHITE WILL R	W	M	07/12/1980	AL01548947
WHITE WILL L	W	M	07/03/1980	AL01563932

NO MORE HITS ACJIS CCH

FOR SUMMARY DO "QH" BY SID

SEQ # 0005 MRI # 041965

1WA.10:48 04/26/2004 041964

AL0060101

NO IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX
(III) FOR NAM/WHITE, WILLIAM HUNTER DOB/19790713 RAC/W SEX/M
SOC/424255787. PUR/D.

END

SEQ # 0004 MRI # 041964

1WA.10:48 04/26/2004 041963

AL0060101

NO NCIC WANT SOC/424255787

NO NCIC WANT NAM/WHITE, WILLIAM HUNTER DOB/19790713 RAC/W SEX/M

SEQ # 0003 MRI # 041963

1WA.04/26/2004 10:47

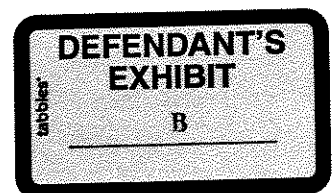
AL0060101

NO ACJIS PERSON WANTS NAM/WHI E, WILLIAM HUNTER DOB/07131978 SEX/M RAC/W
NO ACJIS PERSON WANTS SOC 424255787
SEQ # 0002 MRI # 041962

1WA.04/26/2004 10:47

ATTENTION: CHIEF WALKER. OPR/PCO COLLINS

***** NOTICE AND WARNING *****
* FOR OFFICIAL CRIMINAL JUSTICE AGENCY USE ONLY *



09/20/91 11:14

KR.ALDLN0002.AL0060100.

TXT

HUDSON,GAIL

HERITAGE APTS E 2

EUFAULA

AL 36027

RAC/W. SEX/F. DOB/090248. HGT/504. WGT/110. HAI/BLN. EYE/BLU.

OLN/2510399. OLT/OPERATOR. EXP/031394

RSTR/ CORRECTIVE LENSES

NON-COMMERCIAL STATUS/CURRENT. CLASS/DM

COMMERCIAL STATUS/VALID

CITATIONS/ACCIDENTS: (NONE)

*** THE USE OF THIS DRIVER RECORD IS REGULATED BY LAW AND ***
 *** RESTRICTED TO CRIMINAL JUSTICE AGENCIES ONLY. ***
 *** ACCIDENT DATA IN NO WAY IMPLIES FAULT OR LIABILITY. ***
 SEQ # 0071 MRI # 063120

09/20/91 11:15

ACJIS CRIMINAL HISTORY

NAME

RAC SEX

DOB

SID

HUSTON GARY D

W M

040146

AL00828355.

HOUSTON GAYL

W M

040546

AL01027383

NO MORE HITS ACJIS CCH

FOR SUMMARY DO OH BY SID

SEQ # 0072 MRI # 063295

09/20/91 11:15

AL0060100

NO ACJIC PERSON WANTS NAM/HUSDON,GAIL DOB/090248 SEX/M RAC/W

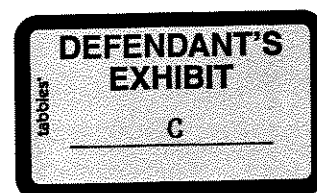
NO ACJIC PERSON WANTS SOC/417709743

SEQ # 0073 MRI # 063296

09/20/91 11:15

NO ACJIS CCH RECORD BY THIS SOC/417709743

SEQ # 0074 MRI # 063297



*11:16 09/20/91 063305

AL0060100

NO NCIC WANT SOC/417709743

NO NCIC WANT DOB/090248 NAM/HUSDON,GAIL SEX/M RAC/W

SEQ # 0075 MRI # 063305

11:16 09/20/91 063310

AL0060100

NO IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX
(III) FOR NAM/HUSDON,GAIL,SEX/M,RAC/W,DOB/090248,SOC/417709743,PUR/C.
NOTICE -- THIS DOES NOT PRECLUDE THE POSSIBLE EXISTENCE OF MATCHING
RECORDS IN LOCAL, STATE, OR FBI IDENTIFICATION DIVISION FILES THAT ARE
NOT INDEXED IN THE NCIC III. IF YOU DESIRE A SEARCH OF THE FBI
IDENTIFICATION DIVISION FILES, A FINGERPRINT CARD SHOULD BE SUBMITTED.
END

SEQ # 0076 MRI # 063310

C. To encourage any employee who believes that he or she is a victim of harassment to come forward and voice their complaint to their superiors, the City Clerk or Personnel Officer, so that the City can act to end any harassment.

SECTION 2. CITY POLICY GOVERNING DISCRIMINATION

It is the policy of the City of Eufaula, and all departments thereof, to provide equal employment opportunity and equal treatment to all employees in all aspects of employment without regard to race, color, religion, sex (including pregnancy), age (40 or over), national origin, or physical or mental disability (of an otherwise qualified individual.)

SECTION 3. CITY POLICY REGARDING HOSTILE WORKING CONDITIONS AND HARASSMENT IN THE WORK PLACE

All types of harassment, including harassment based on sex, gender, race, national origin, age and disability are not tolerated and are strictly prohibited on the part of all employees, supervisors, contractors, volunteers and others by the City of Eufaula.

SECTION 4. HARASSMENT DEFINED

A. Harassment may be done by unwelcomed words or acts, including the following:

- (1) Course jokes;
- (2) display of unwelcomed pictures or graphics (including on the computer screen;
- (3) unwelcomed touching or hugging;
- (4) heavy cursing;
- (5) questions about one's personal life;
- (6) repeated unwelcomed requests for dates;
- (7) to follow a severe, cutting remark based on race, gender or other categories above with the words, "I'm just joking";
- (8) starting or passing on damaging rumors;
- (9) frequent unnecessary visits to one's workplace;
- (10) repeatedly calling someone by an unwelcomed name or phrase based on one of the categories above;
- (11) requests for sexual favors;
- (12) implied demands of silence in the face of pervasive, frequent, severe and unwelcomed words or actions

B. Hostile environment harassment means severe, frequent and pervasive harassing words or acts, which are unwelcomed. The standard of an unwelcomed action as perceived by the recipient and not the harasser is important, and consent of the target may not be a defense. One response to an unwelcomed word or action may

**DEFENDANT'S
EXHIBIT**

D